

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:09-CR-216-FL-8

UNITED STATES OF AMERICA

v.

ZIYAD YAGHI,

Defendant.

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ORDER

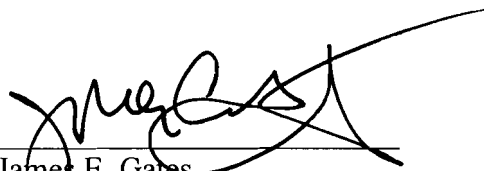
This case comes before the court on the motion (D.E. 838) of defendant Ziyad Yaghi to compel the production of exculpatory information provided to the grand jury in these proceedings. The government filed a response (D.E. 885) in opposition, which incorporates by reference its response (D.E. 863) to a similar motion filed by another defendant in this case. The motion was referred to the undersigned for review and decision pursuant to 28 U.S.C. § 636(b)(1)(A). (*See* Docket Entry after D.E. 911).

In his motion, defendant seeks disclosure of the identity of unnamed individuals who testified before the grand jury in this matter and the substance of any exculpatory statements made by these witnesses. Defendant asserts that the government has an obligation under *Brady v. Maryland*, 373 U.S. 83 (1963) to disclose this information presented to the grand jury.

In its incorporated response, the government stated that it anticipated disclosing to defendant the grand jury testimony he seeks by 30 March 2011. (*See* Gov.'s Resp. (D.E. 863) 4 n.1). Because this date has passed, the court concludes that defendant's motion for disclosure of the information, based upon the record currently before the court, is moot. However, to the extent that defendant has not received the information sought in his motion, he may renew it.

For the foregoing reasons, defendant's motion (D.E. 838) is DENIED AS MOOT
WITHOUT PREJUDICE.

SO ORDERED, this 4th day of April 2011.



James E. Gates
United States Magistrate Judge